

LB

JUNG & VASSAR, P.C.
A Law Corporation

FRANCIS L. JUNG #5489
USHA KILPATRICK KOTNER #7656
75-170 Hualalai Road, Suite D-214
Kailua-Kona, Hawaii 96740
Telephone No. (808) 326-4852
Facsimile No. (808) 326-7904
Email Addresses: frank@jungvassar.com
usha@jungvassar.com

Attorneys for Defendant/Counterclaimant
ACCELERATED ASSETS, L.L.C.

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

DEC 27 2007

at 10 o'clock and 50 min. A.M.
SUE BEITIA, CLERK

LODGED

DEC 21 2007

CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

MAUNA LOA VACATION
OWNERSHIP, HLP, a Hawaiian
limited partnership; John Stevens, a
single man,

Plaintiffs/Counterdefendants,

v.

ACCELERATED ASSETS, L.L.C., an
Arizona limited liability company,

Defendant/Counterclaimant.

No. CIV MC-07-00166-SOM-LEK

FINDINGS AND
RECOMMENDATION REGARDING
DEFENDANT'S MOTION FOR
WRIT OF EXECUTION

(Non-Hearing Motion)

**FINDINGS AND RECOMMENDATION REGARDING DEFENDANT'S
MOTION FOR WRIT OF EXECUTION**

This matter came before this Court pursuant to Defendant/Counterclaimant

Accelerated Assets, L.L.C.'s MOTION FOR WRIT OF EXECUTION, filed herein on December 3, 2007.

The Court, having examined and considered the motion and records herein, hereby makes the following FINDINGS:

1. On May 25, 2007, an ORDER AND JUDGMENT was entered in *Mauna Loa Vacation Ownership, L.P., et. al. v. Accelerated Assets, L.L.C., et. al.*, No. CV-03-0846-PCT-DGC in the United States District Court for the District of Arizona, favor of Defendant/Counterclaimant and Judgment Creditor herein ACCELERATED ASSETS, L.L.C. and against Plaintiffs/Counterdefendants and Judgment Debtors MAUNA LOA VACATION OWNERSHIP, HLP and JOHN STEVENS in the amount of \$542,664.53 plus interest of \$167.18 per day from March 15, 2007.

2. On July 24, 2007, said ORDER AND JUDGMENT was registered in the District of Hawaii in the above-captioned matter.

3. As of November 28, 2007, there was still due and owing the sum of \$585,796.97 pursuant to said ORDER AND JUDGMENT, which is computed as follows:

Balance of Judgment	\$542,664.53
(there have been no payments made on the Judgment)	

Interest

(\$167.18 per day)

3/15/2007 - 11/28/2007 (258 days) \$ 43,132.44

TOTAL

\$585,796.97

4. Interest at the rate of \$167.18 per day continues to accrue until the ORDER AND JUDGMENT is satisfied.

5. In order to execute said ORDER AND JUDGMENT, Defendant/Counterclaimant Accelerated Assets, L.L.C. has moved the Court for a writ of execution against the real and personal property of Plaintiffs/Counterdefendants and Judgment Debtors MAUNA LOA VACATION OWNERSHIP, HLP and JOHN STEVENS, specifically including JOHN STEVEN's membership interest in Westpro Holdings LLC, a Hawaii limited liability corporation.

6. It appears from the record before the Court that none of the funds or assets sought to be executed upon herein are traceable to AFDC grants or Social Security benefits. Judgment Debtors MAUNA LOA VACATION OWNERSHIP, HLP and JOHN STEVENS are afforded an immediate hearing if such funds or assets are traceable to AFDC grants or Social Security benefits.

Now therefore, the Court RECOMMENDS as follows:

1. That Defendant/Counterclaimant Accelerated Assets, L.L.C.'s MOTION FOR WRIT OF EXECUTION, filed herein on December 3, 2007, be GRANTED; and

2. That this Court issue a writ of execution against the real and personal property of Plaintiffs/Counterdefendants and Judgment Debtors MAUNA LOA VACATION OWNERSHIP, HLP and JOHN STEVENS, specifically including JOHN STEVEN's membership interest in Westpro Holdings LLC, a Hawaii limited liability corporation.

DATED: Honolulu, Hawaii, 12/21/07.

Leeie E. Kahayami
JUDGE OF THE ABOVE-ENTITLED COURT